(60) (61)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3686 of 2007

PETITIONER : Dr. Suresh Kumar Tiwari Aged about 51 Years, S/o Late Shri Satanand Tiwari, Presently working as Radiologist at Govt. Hospital Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. The State of Chhattisgarh Through its Secretary, Department of Health & Family Welfare, D.K.S. Building, Mantralaya, Raipur (C.G.)
2. The Director, Directorate of Health, Chhattisgarh Raipur (C.G.)
3. Chief Medical Officer, Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Sameer Behar, Advocate for the petitioner.
Shri A.S.Kachhwaha, Govt. Advocate for the State/respondents.

ORDER

(Passed on 29th day of June, 2007)

1. Learned counsel appearing for the petitioner has filed this petition seeking writ in the nature of mandamus against the respondent authority to grant leave encashment for the period from 22.10.1990 to 31.08.1991 i.e. for a period of 310 days after unexplained delay of about 16 years.

2. The petitioner has earlier filed a writ petition that was numbered as W.P. No. 2355 of 2004, in the year 2004. This Court, vide order dated 10.01.2005 (Annexure P/9) granted liberty to the petitioner to withdraw the petition to make proper representation before the concerned authorities. It was further observed that the representation be considered in accordance with law.

3. Learned counsel appearing for the petitioner further submits that accordingly the representation dated Nil (Annexure P/10) was made to the Director, Health Services, Raipur but the said representation has not been decided till date.

4. Be that as it may. If the petitioner is aggrieved by non-consideration of the representation, the petitioner may take recourse to other proceedings. The substantive writ petition under Article 226 of the Constitution is not maintainable for the same relief, which has already been granted earlier.

5. Thus, in view of the foregoing, the petition is dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge

Amit